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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DIANA HOLMES;

Plaintiff,

v.

BELLAGIO, LLC, a Nevada limited liability company; MGM RESORTS INTERNATIONAL, a foreign corporation; DOES I through X, and ROE BUSINESS ENTITIES I through X, inclusive,

Defendants.

CASE NO.: 2:20-cv-00576-RFB-BNW

STIPULATION AND ORDER TO ALLOW DEFENDANTS BELLAGIO, LLC AND MGM RESORTS INTERNATIONAL ADDITIONAL TIME TO FILE RESPONSES TO PLAINTIFF DIANA HOLMES' AMENDED COMPLAINT

(FIRST REQUEST)

Plaintiff DIANA HOLMES ("Plaintiff"), by and through her respective counsel of record, Nicole E. Lovelock, Esq. of Jones Lovelock, and Defendants BELLAGIO, LLC ("Bellagio") and MGM RESORTS INTERNATIONAL ("MGM") (hereinafter collectively referred to as "Defendants"), by and through their respective counsel of record, Kelly Kichline, Esq. of MGM Resorts International, hereby agree and stipulate to extend the time for Defendants Bellagio and MGM to file their responses to the Amended Complaint [Dkt. 30] from June 5, 2020 to June 19, 2020.

Plaintiff filed the Amended Complaint [Dkt. 30] within twenty-one days after Defendants filed motions to dismiss [Dkt. 21 & 22] that were made pursuant to Fed. R. Civ. P. 12(b). Fed. R. Civ. P. 15(a)(1)(B) permits parties to amend a complaint once as a matter of course within twenty-

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one days of a motion a under Rule 12(b), (e), or (f). Once filed, the amended complaint supersedes the original complaint in its entirety thereby mooted a motion to dismiss the original pleading. *See Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997) (overruled on other grounds in *Lacey v. Maricopa County*, 693 F.3d 896, 928 (9th Cir. 2012)).

This extension is being requested in light of constraints placed on Defendants' counsel due to the state-wide and national events involving the Coronavirus (COVID-19) pandemic, including the complete shutdown of Defendants' operations. This unprecedented disruption of Defendants' businesses has greatly impacted Defendants and their ability to conduct normal legal business. Further, the Defendants expect to be in the midst of partially reopening under new public health and safety guidelines, which will be another unprecedented undertaking. Additionally, due to personal medical reasons, counsel for Defendants will be unavailable on multiple business days between the date of the filing of this stipulation and June 3, 2020.

This is the first request for an extension of time as to Defendants' responses to the Amended Complaint [Dkt. 30]. This request is made in good faith and not for the purpose of delay.

DATED this 29th day of May 2020.

JONES LOVELOCK

MGM RESORTS INTERNATIONAL

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IT IS SO ORDERED

DATED: June 01, 2020

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE